IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 16378 of 2004

Between:

Usha Mullapudi Cardiac Centre, a public Charitable Trust, having their office at 6-3-628/F,
Ravindra Nagar, Hyderabad - 500 004 represented by Settlor Trustee Sri Dr.R.V.Mullapudi

..... PETITIONER

AND

1 The State of Andhra Pradesh, Home Department, Secretariat, Hyderabad, represented by the Secretary
2 The District Collector, Ranga Reddy District
3 The Mandal Revenue Officer, Quthbullapur Mandal, Suraram, Ranga Reddy District
4 The Deputy Chief Controller of Explosives, Hyderabad
5 The Deputy Controller of Explosives, Kendriya Sadan, Hyderabad
6 The Commissioner of Police, Commissionerate of Cyberabad, Hyderabad
7 The Superintendent of Police, Ranga Reddy District
8 The Station House Officer, Jeedimetla Police Station, Jeedimetla, Ranga Reddy District
9 The Director of Mines, 8th Floor, C.D.Block, Government Office Complex, Tank Bund Road, Hyderabad
10 The Deputy Director of Mines, 8th Floor, C.D.Block, Government Office Complex, Tank Bund Road, Hyderabad
11 The Andhra Pradesh Pollution Control Board, Maitri Bhavan, Hyderabad rep.by the Member, Secretary
12 Md.Ismail Khan, S/o H.No.6-3-883/9, Panjagutta 'X' Road, Hyderabad
13 Gudaru Crushers, Survey No.307 and 79, Gajula Ramaram Village,

Quthbullapur
Mandal, Ranga Reddy District
14 Sai Srinivasa Crushers, Survey No.307 and 79,
Gajula Ramaram Village, Quthbullapur Mandal, R.R.District
15 Raghdeep Stone Crushers Private Limited, Flat No.3A, Plot No.8, Sri Sai Krishna
Apartments, Hindi Nagar, Hyderabad
16 Vishwambara, Survey No.307 and 79, Gajula Ramaram Village, Qutubullapur Mandal, Ranga Reddy District
17 Ushakiran Granites, Survey No.307 and 79,
Gajula ramaram Village, Quthbullapur Mandal, Ranga Reddy District
18 Shri M.Shirisha, Survey No.307 and 79,
Gajula Ramaram Village, Quthbullapur Mandal, Ranga Reddy District
19 Pinakani Proprietors & Holdings, Survey No.307 and 79,
Gajula Ramaram Village, Quthbullapur Mandal, Ranga Reddy District
20 Satish Kumar Reddy, Survey No.307 and 79, Gajula Ramaram Village,
Quthbullapur Mandal, Ranga Reddy District
21 Shri Yadaiah, Survey No.307 and 79,
Gajula ramaram Village, Quthbullapur Mandal,
Ranga Reddy District
22 Rajdeep Stone Crushers, Survey No.307 and 79,
Gajula ramaram Village, Quthbullapur Mandal,
Ranga Reddy District
23 Vijayababu Metal Industry, rep.by its Prop.S.Ashok,
Survey No.307 and 79, H.No.8-2-198, 307, Panjagutta,
Hyderabad
24 Divya Metals Industry, rep.by its Prop.Mohd.Ghouse,
S/o Md.Janimiya, H.No.2-7, Hafeezpet, Serilingampally Mandal,
Ranga Reddy District
25 Shaik Imam Super Metal Industry H.No.1-4-742, Musheerabad,
Hyderabad - 3833804 / 3835279
26 Vengamamba Metal Industry, rep.by its Prop.T.Subba Rao,
H.No.8-3-678/42/23, Yellareddyguda, Navodaya Colony, Hyderabad
27 Mechanized Aggregate Industry, rep.by its Prop.R.Bhaskar Raju,
H.No.8-3-191/147/2, Maduranagar, Hyderabad
28 Syed Habeeb, S.R.T.80, Rein Bazar, Hyderabad
29 Anantaiah, H.No.8-3-169/60/438,
Indiranagar, Barasada, Hyderabad
30 Shri Rama Metal Industry, rep.by its Prop., Survey No.307 and 79,
Gajula Ramaram Village, Quthbullapur Mandal,
Ranga Reddy District
31 K.Sreenivas Goud, Survey No.307 and 79, Plot No.85, L.B.Nagar,
Jeedimetla, Hyderabad
32 Sterling Metals, rep.by its Managing Partner Sri K.Seshagiri Rao,
H.No.2-98/3, 10B Block 'B', Kakathiyanagar, Hyderabad-7
33 Mahaveer Metal Industry, rep.by its Prop., Survey No.307 and 79,
Gajula ramaram Village, Qutbullapur Mandal, Ranga Reddy District
34 Janabhai Metal Industry, rep.by its Prop., Survey No.307 and 79,
Gajula ramaram Village, Quthbullapur Mandal, Ranga Reddy District
35 Prameela Metal Industry, rep.by its Prop., Survey No.307 and 79,
Gajula Ramaram Village, Quthbullapur Mandal, Ranga Reddy District
36 Gangothri Metal Industry, rep.by its Prop., Survey No.307 and 79,
Gajula ramaram Village, Quthbullapur mandal, Ranga Reddy District

37 S.V.Metal Industry, H.No.337, Shyamlal Building,
Begumpet, HYderabad
38 Heritage Mines Private Limited, Plot No.42, Gareebnagar,
Opp: Reddy Colony, Chandnagar, Hyderabad - 500 050

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or appropriate order or directions in the nature of a Writ directing the official respondents to take immediate action on the complaints lodged by the petitioner in connection with the blasting operations in Survey Nos. 307 and 79 of Gajularamaram Village, Ranga Reddy District by cancelling the licences granted to unofficial respondents and also direct the respondents Nos.12 to 38 not to undertake blasting operations in their metal queries after declaring the impugned action as arbitrary, discriminatory and violative of articles 14 and 21 of the Constitution of India

Counsel for the Petitioner:MR.B.NALIN KUMAR

Counsel for the Respondent Nos.2 and 3: GP FOR REVENUE

Counsel for the Respondent Nos.1,6,7,8: G.P. for Home

Counsel for the Respondent Nos.4, 5,9 and 10: G.P. for Industries

Counsel for the Respondent No.11: S.V. Bhatt

Counsel for the Respondent Nos. 12.19.23.26,31,33 and 34: Mr. Resu Mahender Reddy

Counsel for the Respondent Nos. 15,22,24,25,27,29,32 and 37: Mr. E. Ayyapu Reddy

Counsel for the Respondent No.28: Mr. P. Srinivasa Reddy

Counsel for the Respondents: 13,14,16,17,18,20,21,30,35,36 and 38: None

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

This petition is filed in public interest by Usha Mullapudi Cardiac Centre represented by its Settler Trustee making grievance that there is inaction on the part of the official respondents in not checking the blasting operations conducted in Survey Nos. 307 and 79 of Gajularamaram Vilalge, Ranga Reddy District as they are the source of noise pollution in the vicinity where the hospital is located, besides causing disturbance and annoyance to the residents of the locality and also causing unnecessary hardship to the Cardiac Centre of the petitioner-Hospital. It is also alleged that the noise caused by the unofficial respondents is far exceeding the air quality standards prescribed under the Noise Pollution (Regulation & Control)

Rules, 2000 (hereinafter referred to as “the Rules”) framed under the Environment (Protection) Act, 1986.

On notice being issued to the Respondents, affidavits in reply have been filed by the Pollution Control Board and by the Respondent Nos.6,7,8, 9, 10.

In the affidavit of the 11th respondent-Board, it is stated that as per the Rules, there are four categories/Zones, namely, Industrial area, Commercial area, Residential area and Silence zone, for which different ambient air quality standards have been prescribed. The Commissioner of Police in the Municipal Corporation area and the Superintendent of Police in the District Area are the prescribed authorities for the implementation of Ambient Air Quality (AAQ) Standards and noise thereof.

On behalf of the respondents 9 and 10, the Deputy Director of Mines and Geology, Hyderabad has filed an affidavit stating that petitioner-hospital is situated at about 1.5 k.m., from Hyderabad-Narsapur State Highway, whereas quarrying for extraction of stone in Gajularamaram Village is in vogue for the last three decades. There are 24 quarry leases for stone and metal granted to various leaseholders by Respondent No.10. It is stated that around 20 stone crushing units were established for manufacturing of crushed metal and the leaseholders have also obtained Blasting Licence from the Department of Explosives, Government of India. The Joint Chief Controller of Explosives, Chennai issued Explosive license subject to issuance of No Objection Certificate from the Collector and Superintendent of Police. It is stated that on the recommendation of the Mining Zone Committee, a base map consisting of salient features and adjacent habitations has been prepared and a centralized quarry with a buffer zone is also marked in the said map. It is stated that the formation of centralized quarry, systematic and scientific exploitation of mineral using all latest techniques of blasting prescribed by the Department of Mines Safety, Government of India and Pollution Control Board is a long lasting solution to all blasting and pollution related problems in the area. It is also stated that the local police has been regularly monitoring the conduct of blasting operations in the quarry leases. However, the blasting undertaken by the real estate developers is beyond the control of the Department of Mines and Geology.

Affidavit of the Police authorities states that since no complaints were received by them, therefore, no action was called for.

We will not elaborately deal with the counter affidavit filed by the private Respondents wherein it is stated that mining operations have been in progress for the last 3 decades and that since the petitioner-hospital has come up only in the year 2001, it cannot complain of noise pollution. May be that mining operations are being undertaken by the unofficial respondents in the locality, but, once standards have been fixed by the appropriate authority, the stone crushing units and lessees of the quarries while carrying out blasting should ensure that there is no violation of the Rules and Regulations and that they do not exceed the noise ambient limit.

In view of the position as explained by the official respondents, there is no manner of doubt that in case there will be any violation of the Air Ambient Quality Standards prescribed under the Rules, the appropriate course open for persons like the petitioner and others would be to approach the Commissioner of Police, in case, the area falls within the Municipal Corporation limits or Superintendent of Police, in case, the areas falls within the District. Once such a complaint is received, it will be for the police authorities to take appropriate action in accordance with law and ensure that Air Ambient Quality Standards are not allowed to be flouted and action in accordance with law is taken against those who offend those Rules and Regulations.

Therefore, we dispose of the writ petition with a direction that in the event of petitioner and any other person approaching the Commissioner of Police or Superintendent of Police complaining noise pollution, it will be for the police authorities to ensure due compliance of the Rules and Regulations.

The writ petition is accordingly disposed of. No costs.

_____

DEVINDER GUPTA,CJ

DATE: 3rd March, 2005

_____

B. SESHASAYANA REDDY,J

Pnb

To

1. The Secretary, State of Andhra Pradesh, Home Department, Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District.
3. The Mandal Revenue Officer, Quthbullapur Mandal, Suraram, Ranga Reddy District.
4. The Deputy Chief Controller of Explosives, Hyderabad.
5. The Deputy Controller of Explosives, Kendriya Sadan, Hyderabad.
6. The Commissioner of Police, Commissioner of Cyberabad, Hyderabad.
7. The Superintendent of Police, Ranga Reddy District.
8. The Station House Officer, Jeedimetla Police Station, Jeedimetla, Ranga Reddy District .
9. The Director of Mines, 8th Floor, C.D.Block, Government Office Complex, Tank Bund Road, Hyderabad.
10. The Deputy Director of Mines, 8th Floor, C.D.Block, Government Office Complex,Tank Bund Road, Hyderabad.
11. The Member, Secretary, Andhra Pradesh Pollution Control Board, Maitri Bhavan, Hyderabad.
12. Two C.Cs. to the Government Pleader for Home, High Court Buildings, Hyderabad.(OUT)
13. Two C.Cs. to the Government Pleader for Industries, High Court Buildings, Hyderabad.(OUT)
14. Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (OUT)
15. Two C.D. copies